



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

**Division of Solid Waste Management
Standard Operating Procedure**

Solid Waste Disposal Facility Permit

September 2006

Approved:

[Signature on File]
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09/25/06
Date

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09/25/06
Date

This SOP is an intra-departmental document intended to govern the internal management of the Department of Environment and Conservation. It is intended to provide guidance to Department staff so that laws and rules we implement can be applied consistently. It is not intended to affect rights, privileges, or procedures available to the public.

DIVISION OF SOLID WASTE MANAGEMENT

STANDARD OPERATING PROCEDURES FOR SOLID WASTE DISPOSAL FACILITY PERMIT

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SECTION 1: INTRODUCTION

The purpose of this Standard Operating Procedure (SOP) guide is to provide a consolidated reference document for use in training and orientation of employees. This guide will also be a useful reference tool for more experienced employees. The SOP identifies the technical information and application requirements for the solid waste disposal facility permit. This SOP will delineate all steps in the process, including responsible personnel, and approximate process milestones. Additional information includes statute and rule authorization, a process flow chart, and supporting documentation (when necessary). This SOP is only intended to describe routine conditions normally encountered with the processing of a solid waste disposal facility permit.

Persons wishing to construct or operate a solid waste disposal facility must acquire a landfill permit from the Tennessee Division of Solid Waste Management. A permit consists of two parts: Part I and Part II. Both parts must be submitted to the appropriate Division of Solid Waste Management, Environmental Field Office (EFO). Part I must be notarized and contains the following elements:

- (1) a completed application;
- (2) a topographic map showing the facility, property boundaries to one half mile beyond the boundaries, each waste processing or disposal unit, wells, springs, and other surface water bodies within one quarter mile of the property boundaries; and
- (3) a disclosure statement containing information concerning past performance in waste management fields of the applicant, officers, directors and/or partners of the applicant's business.

Part II of the application includes the following :

- (1) a hydrogeological report;
- (2) engineering plans and specifications;
- (3) operations manual; and
- (4) closure plan.

Permit applications are evaluated by inspecting the proposed site and evaluating Parts I and II to determine whether performance and design standards have been met. Following the review process a public notice of intent to permit is issued. The entire permit process may take from sixteen to thirty-two months, depending on the facility type, public interest, public hearings, revisions, appeals and site preparation.

SECTION 2: STATUTORY AND REGULATORY AUTHORITY FOR PROCESS

2.1 Tennessee Statutory Authority

- T.C.A. Title 68 Chapter 211

2.2 Tennessee Regulatory Authority

- Chapter 1200-1-7

2.3 Federal Statutory Authority

- Resource Conservation and Recovery Act (RCRA) 1976, Subtitle D

2.4 Federal Regulatory Authority

- 40 CFR, Part 258 (Applies only to MSW Landfills)

2.5 Applicable Division Policy

- Policies supporting the permitting process are listed in Appendix A.

SECTION 3: DEFINITION OF TERMS

The following is a list of terms used in the Solid Waste Landfill Permitting process which are not found in Rule 1200-1-7-.01 (i.e. the definitions) of the Solid Waste Regulations.

“Bad actor law” means a 1990 statute (T.C.A. 68-211-106) that prohibits the Department from issuing a landfill permit to certain persons with a poor environmental record.

“County veto law” means a 1989 statute (T.C.A. 68-211-105) that allows county and/or city governments to have first right of review and approval (disapproval) of a landfill or processing facility application. The Division’s permitting process is suspended during this review.

“Disclosure statement” means a SWM form to be completed by all landfill applicants to determine if the Bad actor law applies.

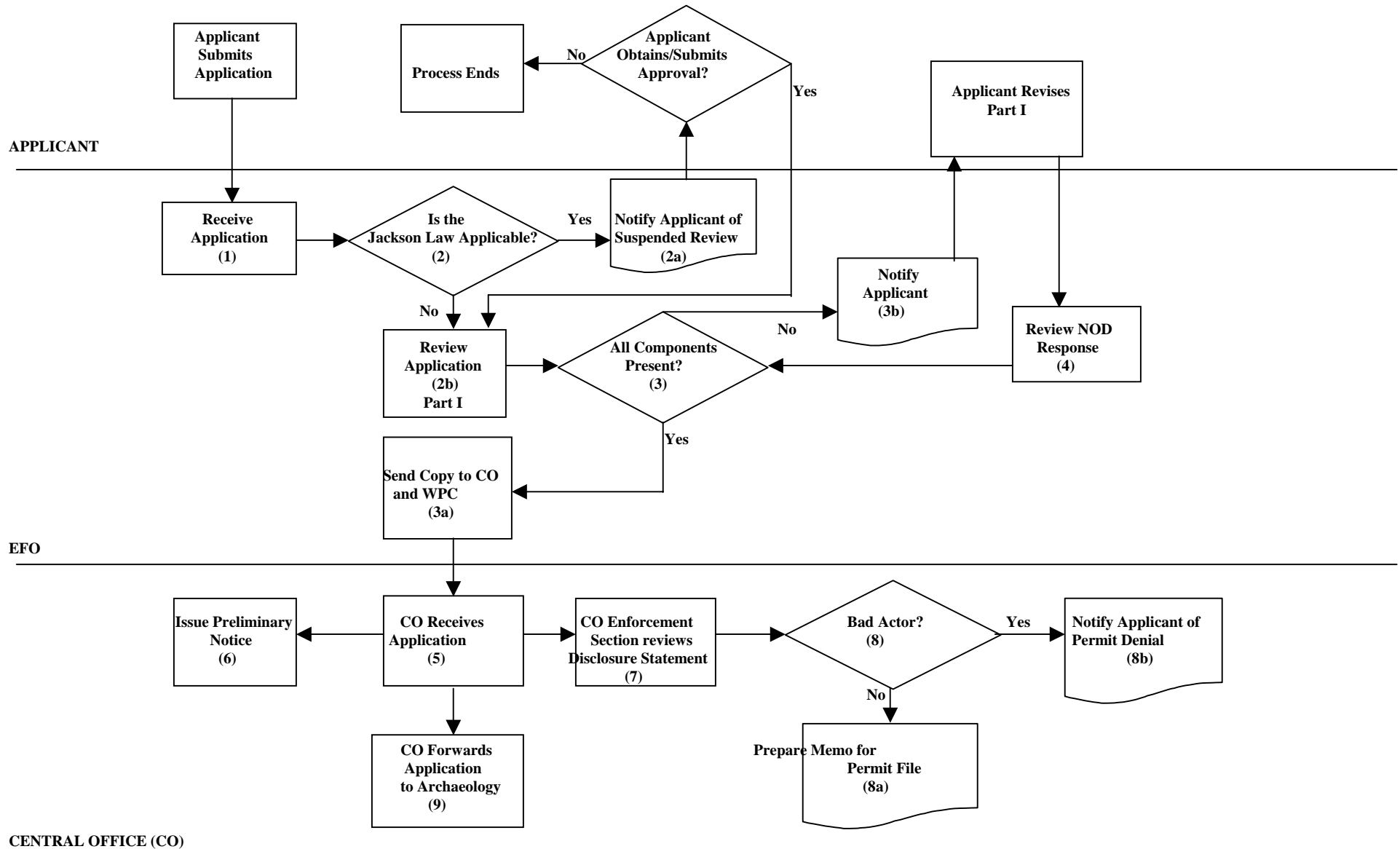
“Peer review” refers to a meeting held by Division staff to examine the technical aspects of a landfill application. Comments from this meeting are communicated directly to the appropriate Environmental Assistance Center staff in a timely manner to reduce any delay in the application review process. This review is performed by both central office and Division staff from the relevant EFO.

“Permit review committee” means a review group consisting of the Director, Deputy Director, Program Managers and the project manager to determine if an application is ready for a draft permit public notice.

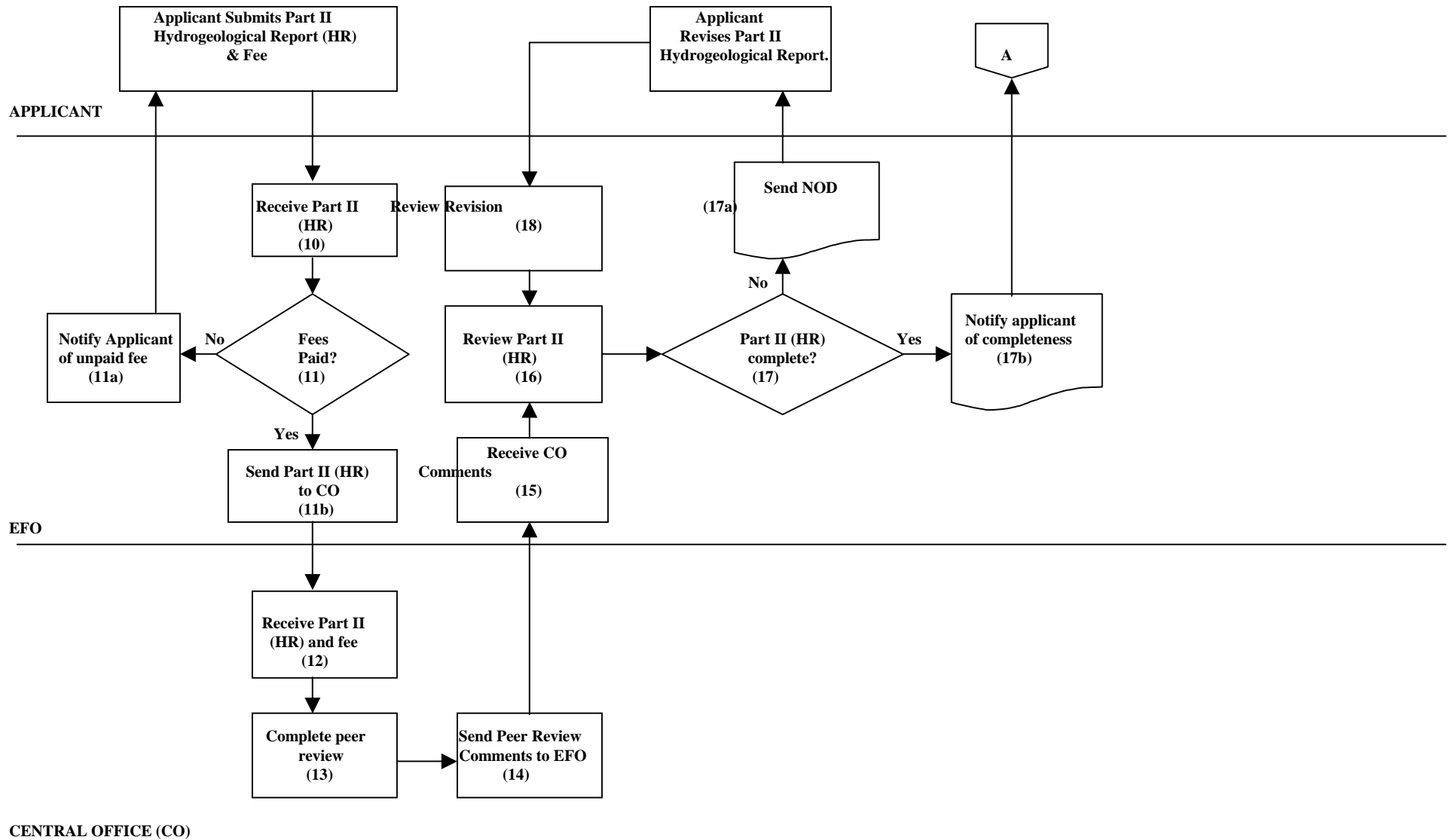
“Project manager” means the individual assigned to supervise/coordinate the permitting process of a proposed facility. This individual is usually located at the EFO responsible for regulatory oversight of the facility.

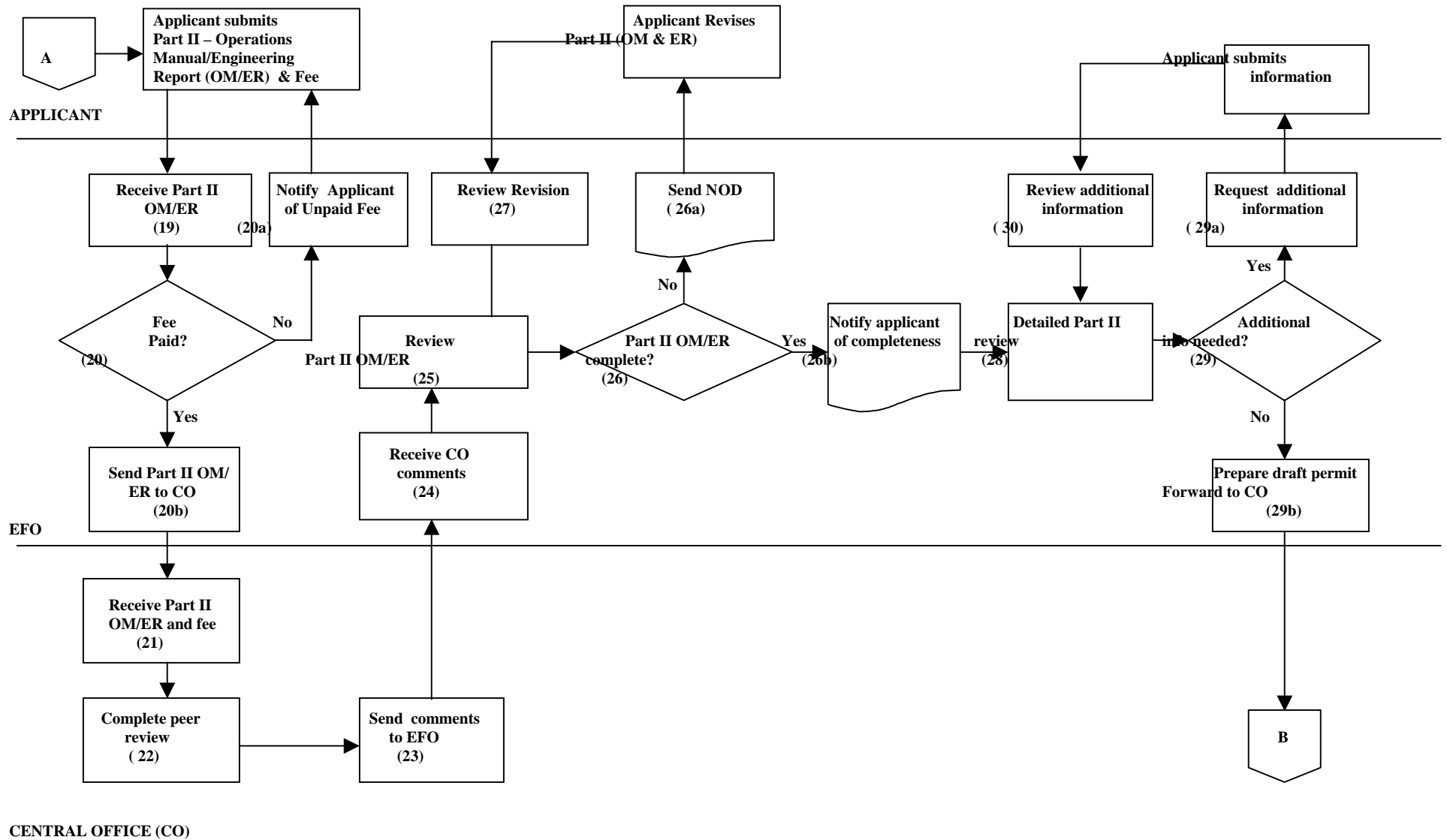
SECTION 4: PROCESS FLOW DIAGRAM

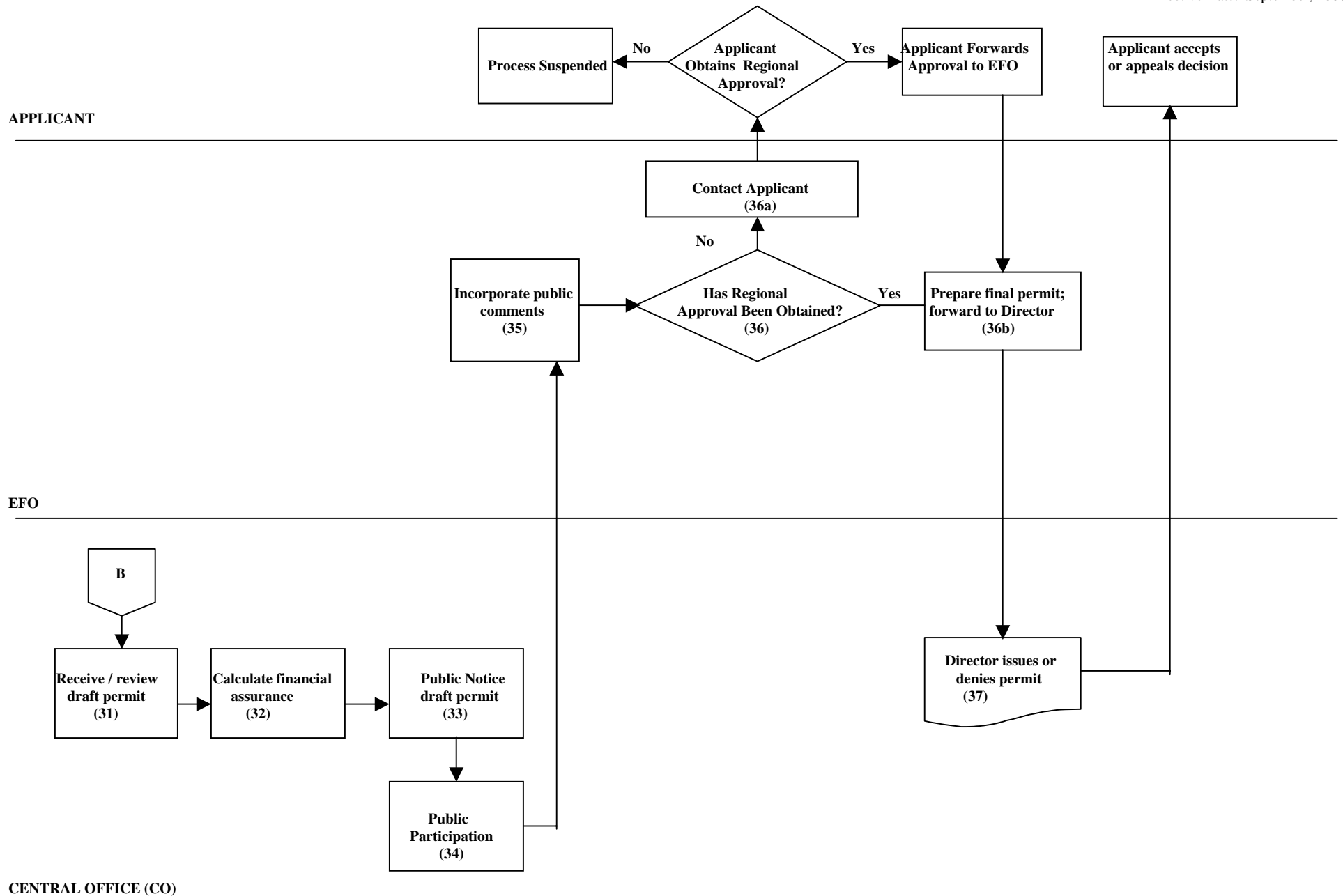
PART I: PRELIMINARY PUBLIC NOTICE PROCEDURE



PART II: HYDROGEOLOGICAL REPORT/OPERATIONS MANUAL/ENGINEERING PLANS PROCEDURE







SECTION 5: PROCESS PROCEDURES

Responsible Person	Steps
SWM EFO – Solid Waste Supervisor	<p>1. Part I / Begin Process (Appendix D, p. 79) Receive completed application from applicant. Note: Upon request send landfill and fee applications to applicant (Appendix B, p. 32)(Appendix C, pp. 41-45, 69-77, Appendix D, p. 80).</p> <p>Level of Effort for this step 4.0 hours</p>
SWM EFO – Solid Waste Supervisor	<p>2. After receiving completed application, determine if Jackson Law is applicable.(Appendix A, pp. 22-25) 2a. If yes notify applicant of suspended review 2b. If no, begin Part I application review.</p> <p>Level of Effort for this step: 1 hours.</p>
SWM EFO – Solid Waste Supervisor	<p>3. Determine if all components of Part I are present. 3a. If yes, forward copy of Part I to Central Office. Also, forward copy of the site map to WPC for review of water quality issues. WPC will contact the applicant with any site issues. Go to step 5. 3b. If no, notify applicant to revise Part I. (Appendix B, p. 36)</p> <p>Level of effort for this step: 4 hours.</p>
SWM EFO –Solid Waste Supervisor	<p>4. Review response from applicant. Return to Step #3.</p> <p>Level of Effort for this step: 2 hours.</p>
SWM Central Office (CO)	<p>5. Receive completed copy of Part I Application from EFO (Appendix A, p. 19). Log application and assign identification number. Forward site map to Archaeology for review (Appendix B, p. 33)</p> <p>Level of Effort for this step: 4 hours</p>
SWM CO	<p>6. Issue the preliminary public notice. (Appendix A, p. 27)</p> <p>Level of Effort for this step: 6 hours.</p>
SWM Enforcement Section	<p>7. Review Disclosure Statement.</p> <p>Level of Effort for this step: 7.5 – 10 hours</p>
SWM Enforcement Section	<p>8. Determine if applicant is a “bad actor”. 8a. If no, prepare memo for the permit file. 8b. If yes, notify applicant of permit denial. (Appendix B, p. 34).</p> <p>Level of Effort for this step: 2 hours.</p>
SWM CO	<p>9. Forward copy of application to the Division of Archaeology) to</p>

	review for site issues. Archaeology will contact the applicant with any site issues.
	Level of Effort for this step: 1 hours.
SWM EFO – Solid Waste Supervisor & Geologist	10. Receive Part II— (Hydrogeologic Report) (Appendix A, p. 21) from applicant.
	Level of Effort for this step: 0.5 hours
SWM EFO – Solid Waste Supervisor & Geologist	11. Determine if Part II (Hydrogeologic Report) fee submitted to the Division of Fiscal Services Fee Section. 11a. If no, notify applicant of unpaid fee. Return to step 10. 11b. If yes, forward copy to Central Office for peer review.
	Level of Effort for this step: 1 hours.
SWM CO	12. Receive Part II-(Hydrogeologic Report)
	Level of Effort for this step: 1 hours
SWM CO	13. Complete peer review of Part II – (Hydrogeologic Report) (Appendix A, p. 26)
	Level of Effort for this step: 15-30 hours.
SWM CO	14. Send Peer Review Comments to EFO
	Level of Effort for this step: 2 hours.
SWM EFO – Geologist	15. Receive and review central office comments.
	Level of Effort for this step: 4-8 hours
SWM EFO – Geologist	16. Review Part II—(Hydrogeologic Report) (Appendix C, pp. 46-55, 55-60).
	Level of Effort for this step: 37.5 – 75 hours.
SWM EFO – Geologist	17. Determine if Part II (Hydrogeologic Report) is complete. 17a. If no, send notice of deficiency to applicant. (Appendix B, p. 36). 17b. If yes, notify applicant (Appendix B, p. 39)
SWM EFO – Geologist	18. Review applicant’s revision, return to step #16
	Level of Effort for this step: 7.5 – 37.5 hours
SWM EFO – Environmental Protection Specialist (EPS)	19. Receive Part II— (Operations Manual / Engineering Plans)
	Level of Effort for this step: 0.5 hours
SWM EFO – EPS	20. Determine if Part II (Operations Manual / Engineering Plans) fee submitted to Division of Fiscal Services Fee Section. 20a. If no, notify applicant of unpaid fee. Return to step 19.

	<p>20b. If yes, send copy of Part II (Operations Manual / Engineering Plans) to the Central Office – Permitting Administration Section for peer review.</p> <p>Level of Effort for this step: 1 hours.</p>
SWM CO	<p>21. Receive Part II – (Operations Manual / Engineering Plans).</p> <p>Level of Effort for this step: 1 hours</p>
SWM CO	<p>22. Complete peer review of Part II-(Operations Manual / Engineering Plans) (Appendix A, p. 26)</p> <p>Level of Effort for this step: 15-20 hours.</p>
SWM CO	<p>23. Send peer review comments to EFO – EPS.</p> <p>Level of Effort for this step: 1 hours.</p>
SWM EFO – EPS	<p>24. Review CO peer review comments.</p> <p>Level of Effort for this step: 7.5-15 hours.</p>
SWM EFO – EPS	<p>25. Part II— (Operations Manual / Engineering Plans) completeness review.</p> <p>Level of Effort for this step: 37.5 – 75 hours.</p>
SWM EFO – EPS	<p>26. Determine if Part II (Operations Manual / Engineering Plans) is complete.</p> <p>26a. If no, send notice of incompleteness to applicant. (Appendix B, p. 36). Go to step 27.</p> <p>26b. If yes, notify applicant of completeness. (Appendix B, p. 39) Go to step 28.</p> <p>Level of Effort for this step: 7.5 hours.</p>
SWM EFO – EPS	<p>27. Review applicant’s revision of Part II (Operation Manual / Engineering Plans). Return to step 25.</p> <p>Level of Effort for this step: 7.5 – 75 hours.</p>
SWM EFO – EPS	<p>28. Detailed Part II review.</p> <p>Level of Effort for this step: 7.5 – 15 hours (historical time).</p>
SWM EFO – Solid Waste Supervisor	<p>29. Determine if additional information is needed.</p> <p>29a. If yes, request additional information from the applicant.</p> <p>29b. If no, prepare draft permit and forward to CO. (Appendix C, p. 61)</p> <p>Level of Effort for this step: 7.5 – 15 hours.</p>

SWM EFO – EPS	30. Review additional information from applicant. Repeat step 28. Level of Effort for this step: 7.5-15 hours.
SWM Central Office - Permit Review Committee	31. Receive / Review draft permit (Appendix A, p. 30). Permit review committee (Appendix A, p. 28) conducts final permit review (Appendix C, p. 54) Level of Effort for this step: 15 hours
SWM Central Office - Financial Assurance Officer	32. Calculate financial assurance amount. Refer to Financial Assurance Manual Level of Effort for this step: 8 hours.
SWM Central Office	33. Public notice the draft permit. Follow public participation procedures. Level of Effort for this step: 8 hours.
SWM Central Office	34. Public Participation. Conduct Public hearing to receive comments. Level of Effort for this step: 7.5-15 hours.
SWM EFO - Solid Waste Supervisor	35. Incorporate public comments into final permit. Prepare a written response to each public comment (response summary); cc: SWM Division Director. Level of Effort for this step: 7.5- 15 hours.
SWM EFO – Solid Waste Supervisor	36. Determine if regional approval has been obtained. 36a. If no, contact the applicant regarding approval (Appendix B, p. 35). Approval is required by the Regional Solid Waste Planning Authority (Appendix A, p.24). If the applicant receives no approval, the process must be suspended. If approval is received the applicant forwards the approval to the EFO. 36b. If yes, prepare the final permit; forward to the Director. Level of Effort for this step: 7.5-15 hours
SWM Director	37. Issues or denies the permit. Notify the applicant. Level of Effort for this step: 1 - 2 hours

SECTION 6: PERSONNEL QUALIFICATIONS

The following personnel classifications (as established by the Department of Personnel) may be involved in the facility permitting process. They are:

1. Environmental Specialists.
2. Environmental Protection Specialists.
3. Geologists.

New employees are given on the job training to perform the facility permitting process. There are no specific training courses required for the process.

SECTION 7: COMPUTER HARDWARE AND SOFTWARE

The Division of Solid Waste Management currently uses computer hardware as supplied by the Division of Information Systems. Each computer is supplied as needed with:

1. Microsoft Word 2000
2. Microsoft Excel
3. Microsoft Access
4. Microsoft PowerPoint.

Some engineering/geologist models are used

1. Global Positioning System software (ARCVIEW).
2. Ground water modeling program.
3. Surface Water Model – (TR 55).
4. Leachate Model – (HELP).

SECTION 8: DATA AND RECORDS MANAGEMENT

All data and records are kept at the Environmental Assistance Center in the region where the facility is located with copies kept at the Nashville Central Office. Data and records are managed by controlled file room conditions in the following way:

1. The files are kept locked at all times.
2. A file room attendant controls those who enter and logs out files including Division or other state agency staff.
3. Files that are reviewed by the public are managed under the following guidelines to insure proper security, i.e prevent theft or damage:
 - a. Public records are available for review during the normal business hours from 8:00 a.m. until 4:30 p.m., Monday through Friday, except holidays.
 - b. The number of files reviewed at one time may be limited without authorization from the Division Manager or Environmental Assistance Center Administrative Manager.
 - c. Briefcases and other accessories (with the exception of writing materials – notepads, pencils, etc.) are not allowed in the file area.
 - d. Do not mark on the file(s) or change the order of documents within the file(s).
 - e. Routine copies are charged at the rate of 10 cents per page. Non-routine copies are charged at the rate of 40 cents per page. Non-routine electronic copies are charged at the rate of \$6.00 per floppy disk and \$10.00 per CD disk. There may be additional charges to recover the cost for odd size, or otherwise difficult to handle copies. All charges are payable in advance by exact cash or check only.
 - f. Tags will be provided to mark any pages for staff to copy.
 - g. Staff will make copies as their work schedule permits. It may be necessary to return for the copies, or they may be mailed upon request.

SECTION 9: REFERENCES

The following documents are used in the permit process.

1. Technical Guidance Document (as updated by the Tennessee Division of Solid Waste Management)
2. Tennessee Solid Waste Processing and Disposal Regulations (as published by the Secretary of State)
3. Solid Waste Policy and Guidance Manual (updated annually)

APPENDIX A:

POLICIES

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Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Assignment of Duties for Solid Waste Permitting

When a Part I landfill application is sent from a Field Office to the Central Office, it is the responsibility of Permit Administration to publish a preliminary public notice in appropriate newspapers.

When a Part II is complete and a decision made to permit or deny a permit to the applicant, Permit Administration will publish a second notice known as a “tentative decision” notice, in the same newspapers that published the preliminary notice. A copy of the DRAFT permit is sent to the appropriate people and places for public viewing. A copy of the DRAFT permit and Fact Sheet are sent to the public library nearest the proposed landfill site.

It is the responsibility of the Field Office to take the appropriate manuals and drawings to the same library.

policy/notebook/pn066

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Environmental Site Assessment
POLICY

In accordance with TCA § 68-211-105 all new class I, II, III, and IV facilities and coal ash fill permit-by-rule facilities must have environmental site assessments that include an evaluation of the quality of groundwater beneath the proposed facility. This requirement does not include expansions, modifications, or new units for existing permitted facilities.

The environmental site assessment will be submitted along with the part II application or permit-by-rule notification. Ground water must be sampled and analyzed for Appendix I constituents or for constituents listed in the ground water monitoring plan. In addition to the required ground water data the assessment may also include the following:

1. Soil Data; and a
2. Site Development History / Land Use.

In accordance with TCA § 68-211-107, all land disposal facilities with a new permit or an expansion permit for which the tentative permit decision was published after July 1, 2006, including class IV and coal ash permit-by-rule facilities, must at least annually sample ground water. Ground water must be sampled and analyzed for Appendix I constituents or for constituents listed in the ground water monitoring plan.

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Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Hydrogeologic Report

As provided in Solid Waste Rule 1200-1-7-.04(9) the Part II Permit Application shall include a hydrogeologic report. Although this report is specific data relative to the geologic review of a site, this report is the basis for the preparation of engineering plans. In view of the multi-discipline decisions that this report impacts, the final review of this report shall be coordinated by the field office manager. At such time as the hydrogeologic report has been determined to be deficient or adequate to meet regulatory requirements, a letter will be forwarded under the signature of the field office manager. This letter may require additional information and/or summarize weaknesses of the site. A memo prepared by the staff geologist will be drafted in order that specific details of the review may be documented. This procedure is not a reflection of the capability of any discipline, but rather reflects the need for careful coordination.

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Tennessee Department of Environment and Conservation Division of Solid Waste Management

Applicability of the “Jackson Law”

Because the Department continues to be bombarded with questions about when the Jackson Law applies, our office wants to set out some guidelines. Please understand that not every situation can be anticipated and slight factual changes may also cause a change in applicability. Each situation should be carefully reviewed as it arises. Thus, the following is offered as guidance only.

The “Jackson Law” T.C.A. § 68-211-701 et seq. and T.C.A. § 68-211-105(h) became law on June 2, 1989. The law provides that “the Commissioner shall not review...any construction for any new landfill...or for solid waste processing in any county or municipality which has adopted the provisions of §§ 68-211-701 - 705 and § 68-211-707 until such construction has been approved in accordance with the provisions of such sections.

The Department has taken the following positions:

1. The Jackson Law applies to “new” landfills and “new” solid waste processing facilities.
2. The Jackson Law does not apply to landfills or solid waste processing facilities that existed on June 2, 1989. A “new” landfill or a “new” solid waste processing facility is one which did not exist on the date the Jackson bill became law (June 2, 1989). A landfill “exists”, for purposes of the Jackson Law, once a tentative decision to issue a permit has been made by the Department.
3. If a facility is an existing facility (one that existed on June 2, 1989), the Jackson Law does not apply to expansion of that facility. A plain reading of the statute as well as legislative history supports the position that existing facilities are forever excluded from applicability of the Jackson Law. Representative Jackson was clear on this point. On May 2, 1989, Representative Jackson made the following statements to the House Committee for state and local government:

“The bill would also apply only to new sanitary landfills. It does not affect an existing landfill in your district. If they want to expand it, they can. The bill does not apply in that situation.”

Later Jackson added:

“Mr. Chairman, what reduced the fiscal note was taking out involvement of expansion of existing sites by applying the bill only to new landfills, the creation of brand new landfills, that reduced the fiscal note substantially.”

4. The Jackson Law applies to modification of a “new” landfill that involves “new construction”. However, the Jackson Law does not apply to a modification of a “new” landfill that does not involve “new construction”. In the Sanifill, Marshall County case the Department took the position that whenever a “new” landfill attempted to modify its permit the Jackson Law applied. The court of Appeals rejected this contention, but it indicated that the Jackson Law would be triggered if the modification involves “new construction”. The court defined construction as follows:

This Court construes the word, “construction” as used in the statute to be all of the site preparation required by law and regulation, prior to the beginning of actual receipt and processing of waste. This “construction” took place before the first waste was placed in the subject landfill. There is no evidence or other indication that Sanifill proposes, plans or seeks approval of any enlargement or modification of the existing approved landfill.

The Department did not appeal this portion of the court’s decision and is bound by it. Once a landfill is permitted, the Jackson Law only applies to modifications that involve “enlargement”. Thus, the Jackson Law should be applied to lateral expansions of “new” landfills. Such modifications would clearly involve construction as defined by the court. On the other hand, a vertical extension of a “new” landfill would not involve construction as defined by the Court.

policy/notebook/pn071

Tennessee Department of Environment and Conservation Division of Solid Waste Management

Local Government Approval

PROFILL JACKSON LAW

In 1989, the General Assembly enacted Tenn. Code Ann. § 68-211-701, *et seq.* (“Part 7” or “The Jackson Law”), which gives local governing bodies the legislative power to approve or disapprove of the construction of any “new” solid waste facility.

1. The Jackson Law applies to “new” landfills and “new” solid waste processing facilities.
2. The Jackson Law does not apply to landfills or solid waste processing facilities that existed on June 2, 1989. A “new” landfill or a “new” solid waste processing facility is one which did not exist on the date the Jackson bill became law (June 2, 1989). A landfill “exists”, for purposes of the Jackson Law, once a tentative decision to issue a permit has been made by the Department.
3. If a facility is an existing facility (one that existed on June 2, 1989), the Jackson Law does not apply to expansion of that facility. A plain reading of the statute as well as legislative history supports the position that existing facilities are forever excluded from applicability of the Jackson Law.
4. The Jackson Law applies to modification of a “new” landfill that involves “new construction”. However, the Jackson Law does not apply to a modification of a “new” landfill that does not involve “new construction”. In the Sanifill, Marshall County, case the Department took the position that whenever a “new” landfill attempted to modify its permit, the Jackson Law applied. The court of appeals rejected this contention, but it indicated that the Jackson Law would be triggered if the modification involves “new construction”. Thus, the Jackson Law should be applied to lateral expansions of fill areas of “new” landfills. Such modifications would clearly involve construction.

As amended in 1995, the Jackson Law requires approval from:

- (1) the county legislative body in which the proposed landfill is located, if such new construction is located in an unincorporated area;
- (2) both the county legislative body and the governing body of the municipality in which the proposed landfill is located, if such new construction is located in an incorporated area; or

- (3) both the county legislative body of the county in which such proposed landfill is located and the governing body of any municipality which is located within one (1) mile of such proposed landfill.

These amendments had the effect of making the law apply to the then pending permit application of Profill.

Profill challenged the application of the amended Jackson Law on a number of constitutional grounds. They lost the war but the court did find one provision of the Jackson Law to be unconstitutional. As written, the Jackson Law did not apply to permits being sought by a local government. This did make sense if it is simply construed to mean that a county or city does not have to give itself approval. But the court was looking at it from the standpoint of say a city getting permission from a county, or one county seeking a permit in another county. In any event, the court ruled that this provision discriminated against private landfills. However, the court then applied the doctrine of elision to remove this provision from the law. So from now on, both public and private permit applicants must get the approval required under the Jackson Law if the city and /or county has opted into the law in the first place.

REGIONAL APPROVAL

Regional approval is not connected to the Jackson Law and should be viewed as an entirely separate requirement. The major difference is that our permitting process is not stopped while the applicant is getting regional approval but it is stopped while they are seeking approval under the Jackson Law. Pursuant to T.C.A. §68-211-814 (b)(1)(d), after a region's plan has been approved, we cannot issue a final permit until the region has approved the application but we can proceed up to that point.

ZONING

Local zoning requirements do not stop our permitting process. We should; however, inform applicants that they must comply with local zoning.
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Tennessee Department of Environment and Conservation Division of Solid Waste Management

Peer Review Process for All Landfill Applications

Effective immediately, the Division of Solid Waste Management is initiating a Peer Review Procedure for all landfill applications. The objective of this policy is to provide for consistency in the Division's review process and to provide support and training for Field Office staff.

The following steps are to be completed before the Permit Review Committee meeting is held for a given application:

1. As soon as it is received, one copy of the Hydrogeologic Report will be forwarded to the Central Office (attn: Frank Victory).
2. The Field Office Manager will designate a Project Manager for the application.
3. As soon as it is received, one copy of the Plans and Operation Manual will be forwarded to the Central Office.
4. Any written comments (input) from the Central Office will come from the Chief of Permitting (Glen Pugh) to the Project Manager.
5. The Project Manager will be responsible for scheduling a Peer Review Meeting with the Chief of Permitting. They will determine which staff will attend.

Project Manager - The Project Manager is designated by the Field Office Manager, and may be any position within the given Field Office. This designation should be made at least by the time a Hydrogeologic Report is received by the field Office. When this Report is forwarded to the Central Office, the Project Manager's name may be attached.

A Project Manager's role is to coordinate the review process. This role includes meeting time deadlines, receiving input from other Divisions, completing the Peer Review Process, and scheduling a meeting with the Permit Review Committee.

Peer Review Meeting - This meeting will typically be held at the Field Office and will be conducted by the Project Manager. The purpose of this meeting is to discuss the comments or input that the Central Office staff has previously provided or have brought to the meeting. The Project Manager will decide how to incorporate this input into the review process.

The Central Office will notify all other Field Offices of the scheduled Peer Review meeting so that interested technical staff may attend. In addition, the Director may designate a particular Field Office person to attend a Peer Review meeting. I encourage everyone involved in this process to work towards a goal of accurate and timely permit application review.

policy/notebook/pn067

Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Preliminary Public Notice

Just a reminder that Solid Waste Regulatory amendments of September 1991 require the Division to issue a preliminary public notice upon our receipt of the Part I application. Please forward a copy of the Part I to the Central Office as soon as it is received. A completeness review of the entire application is still necessary, but the preliminary notice is now done independently of the completeness determination.

Be sure to check the following before forwarding the Part I:

1. Part I application completed, signed, and notarized.
2. Map for the location of the site.
3. Disclosure statement.

If you have any questions, please call me at 615-532-0796.

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Tennessee Department of Environment and Conservation Division of Solid Waste Management

Schedule for Solid Waste Permit Review Committee Meetings and Presentation Policy

In the future the Solid Waste Permit Review Committee will meet the first Thursday of each month.

All permits to be considered must be received in this office no later than two weeks prior to the committee meeting. An agenda of permits to be considered and the approximate time they will be heard will be sent to all Field Office Managers for their information prior to the meeting. Please bring, do not mail, the materials that make up a complete package which shall consist of the following:

1. Hydrogeological Report
2. Engineering Plans
3. Operations Manual
4. Closure/Post Closure Plan - Cost estimate for closure
5. Completeness Determination Letter
6. Field Office Review Time (days)
7. Two copies of the Application to be brought to the Permit Review

The originals for the draft permit, fact sheet and application for permit must be submitted. The original for the draft permit should be on plain bond paper, not letterhead, and should not have “draft” stamped on it. It will become the final permit when signed. The attached permit form is to be the format used on all draft permits.

The fact sheet should briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit to include, when applicable:

1. Type of facility or activity which is the subject of the draft permit;
2. Type and quantity of wastes to be disposed of;
3. Summary of the basis for the draft permit conditions, including references to the statutory and regulatory provisions;
4. Reasons why waivers or alternatives are/are not justified;
5. Name and telephone number of a person to contact for additional information.

It shall be the duty of the Field Office to prepare the fact sheet, and draft permit in final form, and to ensure that a complete package is submitted. If additional information is needed, modification to plans, manuals, fact sheets, etc., it shall be the responsibility of the Field Office to make or have made those changes.

Incomplete submissions, revised plans, manuals, applications, draft permits will require the Field Office to re-present at the next month’s committee meeting.

Field Offices may request specific times to present applications to the Committee on a first come basis. The earlier a package is received, the better the chance for getting the desired time.

policy/notebook/pn064

Tennessee Department of Environment and Conservation Division of Solid Waste Management

Tracking of Permit Review Timeframes

In order to verify that our Division is meeting timetables for issuing permits to solid waste landfills, we need your help.

As part of the permit package you now bring to permit review committee, you need to include a summary of the elapsed review time. An example follows:

Project Name ABC Landfill

Completeness Letter Sent to Applicant – First N.O.D.	01/01/01 - 01-31-01	30 Days
Revised Application Submitted – Second N.O.D.	02/15/01 - 03/01/01	14 Days
Revised Application Submitted – Date of Permit Review Committee	03/16/01 - 04/02/01	17 Days
Total Review Time		61 Days

The Central Office permitting section will be tracking elapsed time from the date of the Permit Review Committee forward.

As a reminder, there are also separate timeframes for a completeness determination of the hydrogeological report and the design and construction plans, to wit:

Hydrogeologic Report	30 days
Design and Construction Plans	45 days

policy/notebook/pn065

APPENDIX B:

FORM LETTERS

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Notification Letter to Applicant	35
Suspension of Review Notification	34



State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
5th Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243 - 1535

DATE: [Current Date]
TO: [Persons proposing to own or operate Solid Waste Disposal Facilities]
SUBJECT: **Landfill Application**

Attached to this memo is general instruction for completing a landfill application. Complete the attached Part I application form and the Disclosure Statement; locate the facility on a USGS or topographic map. Mail these three documents to the **Division of Solid Waste Management Field Office** that has jurisdiction over your proposed facility location. Reference the attached map of Tennessee for the field office.

Attachment: DSWM Field Office Contact Map

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT**

DATE: **[Current Date]**

TO: Division of Archaeology

FROM: **[Contact Person]** Permit Administration

SUBJECT: Notification of Solid Waste Disposal Facility Permit Part I Application

This memo and accompanying documents are to inform you that this office has received and is reviewing a proposal for the siting of a landfill to be located at **[give location]**. You may wish to review any records or files you may have which pertain to this location to determine if there are any archaeological areas of concern that might be impacted by this proposed facility. Please notify the applicant and this Division of the results of your review.

cc: **[Name]**, EFO DSWM Manager
 Central Office File



State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
[EFO Address 1]
[EFO Address 2]
[EFO Address 3]

|

RE: | Application for a |

Dear |:

The Division of Solid Waste Management has been notified by | County of their adoption of the provisions of TCA Section 68-211-701 et. seq. TCA Section 68-211-105(h) provides that “The Commissioner shall not review or approve any construction for any new landfill for solid waste disposal or for solid waste processing in any county or municipality which has adopted the provisions of TCA 68-211-701 – 68-211-705 and TCA 68-211-707 until such construction has been approved in accordance with the provisions of such sections.” Therefore, the Division cannot proceed in reviewing this permit application until | demonstrates compliance with this law.

If you have any further questions, please do not hesitate to contact me at 615-532-0780.

Sincerely,

Mike Apple
Director, Division of Solid Waste Management

cc: |



State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management

[EFO Address 1]

[EFO Address 2]

[EFO Address 3]

[Date]

RE:

Dear :

The Tennessee Solid Waste Management Act of 1969 as amended (Tennessee Code Annotated {T.C.A.} Title 68 Chapter 211), provides for a comprehensive statewide program for the regulation of solid waste management.

An amendment to the Act in 1991 requires all counties to form their own municipal solid waste regional authority, or to join with other counties to form a municipal solid waste planning district. This plan was to be submitted to the State Planning Office by December 31, 1993. After receiving and reviewing the plan it is either approved or returned for further information.

Once the Regional Plan is approved, applications for the construction and operation of a landfill in that region require the approval of the Regional Municipal Waste Planning Office.

| has complied with the proceeding and received approval of their plan on |

Please contact | for the required approval.

In | also adopted the provisions of Public Chapter 515 (Known as H.B. 741 which requires local review of landfill and solid waste processing facilities. As a result of this, I will also need a letter from the local government officials indicating their approval.

If there are questions, please call me at 615-532-0815.

Sincerely,

, Chief
Permit Administration
Division of Solid Waste Management

cc:



State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
[EFO Address 1]
[EFO Address 2]
[EFO Address 3]

[Date]

[Facility Contact First Name] [Facility Contact Last Name]
[Facility Name]
[Facility Address 1]
[Facility Address 2]

RE: NOTICE OF INCOMPLETENESS
Proposed [Description of Desired Action]

Dear [Facility Contact Gender] [Facility Contact Last Name]:

In accordance with the Regulations Governing Solid Waste Processing and Disposal in Tennessee, Rule Chapter 1200-1-7, the Part II permit application for the above facility has been reviewed for completeness. Based on this review, the Part II application is incomplete.

The items which are missing from the application are detailed in the attached comments for your review and action. If you wish to continue the registration process, a revised Part II permit application or revised pages to the original submittal should be submitted.

Your response to our comments should be in the form of a totally revised, complete Part II application or revised pages to be inserted in the original submittal. If you chose to submit revised pages, please provide the following information on the revised items:

- (1) Page, map, or drawing number should be shown,
- (2) For each item submitted, indicate if it is a revision to another item in the original; and
- (3) Date or code each item.

Please submit at least five (5) copies of your revisions to:

Tennessee Department of Environment and Conservation
Division of Solid Waste Management
[EFO Address 1]
[EFO Address 2]
[EFO City], Tennessee [EFO Zip Code]

The Part II permit application completeness review does not constitute approval of any part of the application or any waiver request in the application. A review of the Part II permit application for completeness with the appropriate standards, considering requested waivers and variances, will be conducted after a complete application is received by the Department.

The [EFO] has endeavored to include those technical deficiencies observed during the completeness review in this Notice of Incompleteness for the convenience of the applicant.

If you have any questions concerning this letter, the attached comments, or the registration process, please do not hesitate to contact me at [Permit Writer's Phone #].

Sincerely,

[Permit Writer's Full Name]
Division of Solid Waste Management

/

cc: DSWM Nashville
DSWM, [EFO File

NOTICE OF INCOMPLETENESS

Landfill
Part II Permit Application
(Site ID)
M, County, Tennessee

1.



State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
[EFO Address 1]
[EFO Address 2]
[EFO Address 3]

[Date]

[Facility Contact First Name] [Facility Contact Last Name]
[Facility Name]
[Facility Address 1]
[Facility Address 2]

RE: Completeness Review [Description of Desired Permit Action]

Dear [Facility Contact Gender] [Facility Contact Last Name]:

In accordance with the Regulations Governing Solid Waste Processing and Disposal in Tennessee, Rule Chapter 1200-1-7, the Part II Permit Application for the above facility has been reviewed for completeness. Our review has determined that the submitted plans are complete in that each item required under subparagraph 1200-1-7-.02(2)(d) of the regulations has been addressed.

Further review will be conducted which may result in a request for additional information if necessary to clarify, modify, or supplement previously submitted material.

If you have any questions regarding this letter, please contact this office at (phone #).

Sincerely,

[Permit Writer's Full Name]
Division of Solid Waste Management

/

cc: DSWM, Nashville
DSWM, [EFO]

APPENDIX C:

APPLICATION AND OTHER PROCESS RELATED FORMS

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SOLID WASTE PART I APPLICATION
Tennessee Department of Environment and Conservation
Division of Solid Waste Management



1. a. Facility's full, legal name		Official use only		
b. Mailing address		City	State	Zip Code
2. a. Physical location or address of facility			County	
b. Latitude (degrees, minutes, and seconds)		Longitude (degrees, minutes, and seconds)		
3. Responsible official's name		Phone number with area code ()		
4. Manager's or Operator's name		Phone number with area code ()		
5. a. Landowner's name		Phone number with area code ()		
b. Mailing address		City	State	Zip Code
6. a. Zoning authority's name *		Current zoning status	Phone number with area code ()	
*see instruction on back				
b. Mailing address		City	State	Zip Code
7. Type of facility: <input type="checkbox"/> Class I <input type="checkbox"/> Class II <input type="checkbox"/> Class III <input type="checkbox"/> Class IV <input type="checkbox"/> Class V <input type="checkbox"/> Class VI <input type="checkbox"/> Compost				
8. Site acreage		Fill acreage		
9. Type(s) of waste handled: <input type="checkbox"/> Municipal <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Demolition <input type="checkbox"/> Medical <input type="checkbox"/> Yard waste <input type="checkbox"/> Other _____				
10. Amount of waste handled: Weight _____ tons/day Volume _____ cubic yards/day				
11. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information.				
Date _____		Signature of Responsible Official _____		
		Official Title _____		
		Signature of Notary _____		
(Notary Seal)		Date Commission Expires _____		
12. Date _____		Signature of Landowner _____		

INSTRUCTIONS FOR SOLID WASTE PART I APPLICATION

Complete this form for each facility that is disposing or composting solid waste in Tennessee. If multiple facilities exist or are planned, describe each facility and its wastes on a separate form. **Submit completed documents to the respective field office in your area.**

Facilities beginning operation after the effective date of this rulemaking, must submit this form along with the required information [1200-1-7-.02(2)(d)].

- Line 1 a. **Facility's full, legal name** - Give the applicant's full, legal name for this site to distinguish it from any other site the applicant or organization may own or operate in Tennessee. **Identification Number** - leave blank for Division usage.
- b. **Mailing address** - Give a complete mailing address for applicant or organization.
- Line 2 a. **Physical location or address of facility** - Give information which will aid the Division in going to the site/facility. Do not give a Post Office Box Number.
- b. Supply the latitude and longitude of the site with the precision of degrees, minutes and seconds. **Latitude** and **longitude** may be found by using a U. S. Geological Survey quadrangle map.
- Line 3 **Responsible official's name** - Give the name and phone number of the person who the Division may contact for further information about the contents of this form.
- Line 4 **Manager's or Operator's name** - Give the name and phone number of the manager or person who is responsible for the direction of activities at the site/facility.
- Line 5 a. **Landowner's name** - Give the person(s) or organization name(s) and phone number(s) of the immediate owner(s) of the property [attached letter from landowner(s) as required by Rule 1200-1-7-.02(2)(d)1.(iv)].
- b. **Mailing address** - Give a complete mailing address for landowner.
- Line 6 a. **Zoning authority's name** - Give the name and phone number of the zoning authority plus the current zoning status of the property. Also, attach a statement whether this facility is subject to local approval as provided at TCA 68-211-701 (the Jackson Law) and a statement whether the facility is subject to a solid waste regional approval as provided at TCA 68-211-814(b)(1)(D). If such local approval is required, demonstration of that approval should be attached.
- b. **Mailing address** - Give a complete mailing address for the zoning authority.
- Line 7 **Type of facility** - Check the type of facility to be operated at this site.
- Line 8 **Site acreage** - Give total acreage of the property.
Fill acreage - Give the acreage within the proposed fill area (footprint).
- Line 9 **Type(s) of waste handled** - Check the type(s) of waste to be handled at the facility. If the waste type is not listed, check "other" and briefly describe the source or characteristics of the solid waste.
- Line 10 **Amount of waste handled** - Provide an estimate of the daily weight in tons/day and/or volume in cubic yards/day that will be handled at the facility.
- Line 11 **Certification** - After all documents have been compiled for submission to the Division, the manager or owner responsible for the site must sign, date and give title. This signature must be notarized.
- Line 12 **Date** - The landowner must sign and date the application.

GENERAL INSTRUCTIONS FOR COMPLETING LANDFILL APPLICATION PACKAGE

1. Read the instructions on the back of the "Solid Waste Part I Application," then complete all applicable sections. Do not use "Ditto Marks" or "Same" in filling in the spaces.
2. A U.S. Geological Survey (U.S.G.S.) minute topographic map indicating the location of the facility must be included with your Part 1 application. This map can provide you with the latitude and longitude information required on the application form.
3. The "Disclosure Form" must be filled in and submitted with the Part I application.
4. The Part II application is submitted and reviewed in two stages: 1) Hydrogeologic Report; and 2) Plans and Operation Manual.
5. Five (5) copies of the Part II application must be submitted to the appropriate Division of Solid Waste Management Field Office for their review and approval. See enclosed map of Tennessee for the field office that has jurisdiction over your proposed facility location. Indicate on your transmittal letter to the field office manager that you have paid your application fee. If you have any questions, please call the field office.
6. An application fee is required for filing. Complete the Solid Waste Application Filing/Processing Fee Form enclosed with this application. Make checks payable to Treasurer, State of Tennessee; and NOTE THE NAME OF YOUR FACILITY. SEND FEE TO:

State of Tennessee
Department of Environment and Conservation
Division of Fiscal Services – Fee Section – SWM
401 Church Street, 7th Floor Annex
Nashville, TN 37243
7. If there are questions concerning the completion of the application, contact your field office or the central office permit administration section in Nashville at (615) 532-0780.



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT**

SOLID WASTE APPLICATION FILING/PROCESSING FEE

1. Facility Information _____ Full Legal Name of Facility _____ Mailing Address _____ City, State, Zip Code	2. Permittee Information _____ Permittee (Name/Legal Entity) _____ Mailing Address _____ City, State, Zip Code () _____ Telephone Number of Permittee														
3. Physical Location/Directions to Facility 	4. Type Facility and Fee Due: <input type="checkbox"/> New Disposal Facility* <div style="display: flex; justify-content: space-between;"> <div style="width: 80%;"> <input type="checkbox"/> Class I <input type="checkbox"/> Class II <input type="checkbox"/> Hydrogeology\$ <input type="checkbox"/> Construction Plan Review </div> <div style="width: 15%; text-align: right;"> 4,000 6,000 </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 80%;"> <input type="checkbox"/> Class III <input type="checkbox"/> Class IV ... </div> <div style="width: 15%; text-align: right;">3,000</div> </div> <input type="checkbox"/> Major Modification 2,000 <input type="checkbox"/> Processing Facility 1,000 <input type="checkbox"/> Transfer of Ownership 1,000 <input type="checkbox"/> Transfer Station 500 <small>*Includes Lateral Expansions</small>														
5. Total Site Acres (If Disposal Operation): 	6. Amount of Fee Enclosed: \$														
7. Total Acres In Landfill Footprint: 	8. Type and Size Facility If Processing Facility: 														
9. I certify the above to be true, accurate and complete. I further understand that this fee is applicable if the Department reviews my application within the time allotted by the regulations, even if the permit is denied. <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> _____ Print or Type Name </div> <div style="width: 45%;"> _____ Title </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> _____ Signature </div> <div style="width: 45%;"> _____ Date </div> </div>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 55%; padding: 5px;">FISCAL SERVICES USE ONLY BELOW THIS LINE</td> <td style="width: 45%; padding: 5px;">ASSIGNED FACILITY ID NUMBER:</td> </tr> <tr> <td style="padding: 5px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CD Number</th> <th style="width: 15%;">Date Received</th> <th style="width: 25%;">Amount</th> <th style="width: 15%;">Receipt #</th> <th style="width: 30%;">Comments</th> </tr> <tr> <td style="height: 40px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> </td> <td style="padding: 5px;"></td> </tr> </table>		FISCAL SERVICES USE ONLY BELOW THIS LINE	ASSIGNED FACILITY ID NUMBER:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CD Number</th> <th style="width: 15%;">Date Received</th> <th style="width: 25%;">Amount</th> <th style="width: 15%;">Receipt #</th> <th style="width: 30%;">Comments</th> </tr> <tr> <td style="height: 40px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	CD Number	Date Received	Amount	Receipt #	Comments						
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INSTRUCTIONS FOR APPLICATION FILING/PROCESSING FEE

1. Enter full name of facility, mailing address, and zip code.
2. Enter the permittee's name (person/legal entity to whom permit will be issued), mailing address, zip code, and telephone number complete with area code in this block.
3. Enter the physical location with directions to the proposed facility (not a post office box or mailing address) in this space.
4. Mark the appropriate checkbox to indicate if the application is for a disposal facility, a processing facility, a transfer facility, a major modification, or a transfer of ownership for an existing facility. If the application is for a disposal operation, also mark the appropriate checkbox to indicate the classification of the facility being proposed. For class I and class II facilities, indicate whether the payment is being made for the hydrogeologic report (\$4000.00) or the construction plan review (\$6,000.00). Transfers of ownership apply to all facility types.
5. If this facility is a landfill (any class), enter the number of total permitted site acres, regardless of whether the entire site will be a part of the operational area.
6. Enter the amount of the fee you are enclosing. The correct amount can be determined by referring to item (4) of the form. To the right of the facility type is the amount of the fee due for that type of application (example: a Class III disposal facility has a \$3,000.00 fee).
7. Enter the total area in the landfill footprint here, if applicable.
8. If application is for a processing facility, enter the type and size (example: incinerator--25 tons/day capacity).
9. The owner or an authorized officer of the company must print their name and title before signing and dating the certification.

Note:

Please make checks payable to State of Tennessee, Division of Solid Waste Management.

Mail check and the completed form to: State of Tennessee, Department of Environment and Conservation, Division of Fiscal Services – Fee Section – SWM, 401 Church Street, 14th Floor Tower, Nashville, TN 37243.

"TIMELY ACTION" TIMING STARTS WITH THE RECEIPT OF YOUR CHECK AND THE COMPLETED FORM IN THE CENTRAL OFFICE AND THE RECEIPT OF ALL NECESSARY MATERIALS FOR THE REVIEW IN THE FIELD OFFICE.

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT**

DATE: February 16, 1996
TO: DSWM Staff
FROM: Glen Pugh, Division of Solid Waste Management
SUBJECT: Part II Application Checklist

Upon receipt of a Part II application for a solid waste landfill, this checklist should be used to determine its compliance with the information requirements.

The Part II permit application shall consist of those reports, plans and specifications, or other documentation necessary to provide the information specified in Rule 1200-1-7-.04(9). These specific information requirements have been put in checklist form (attached) for your use in making this determination.

"Completeness Review" Checklist

Date: _____.
Facility Name: _____.
Type Facility: _____.

Tennessee Department of Environment and Conservation Division of Solid Waste Management

Checklist for Evaluation of Completeness for Part II - Application

"Completeness Review" Checklist

Date: _____
Facility Name: _____
Type Facility: _____
Applicant: _____

	Yes	No	N/A
(a) <u>Hydrogeological Report</u>			
1. Environmental Site Assessment			
(i) Soil Data	___	___	___
(ii) Ground Water Data	___	___	___
(iii) Site Development History	___	___	___
2. Certified by registered geologist or qualified engineer	___	___	___
3. Adequate soil borings performed	___	___	___
4. Includes descriptions and/or locations of:			
(i) Soil sampling and procedures used	___	___	___
(I) Soil classifications (USCS)	___	___	___
(II) Samples of undisturbed soil	___	___	___
(III) Samples of remolded soil	___	___	___
(IV) Description of sampling and analytical procedures used	___	___	___
(V) Conductivity determined on samples collected in Shelby tubes	___	___	___
(VI) Testing procedures to establish integrity of liner or cap	___	___	___
(ii) Water table elevations:			
At time of drilling	___	___	___
At least twice more	___	___	___
(iii) Soil boring locations and boundary of proposed fill area	___	___	___
"Completeness Review" Checklist	Yes	No	N/A

- | | | | |
|---|-----|-----|-----|
| (iv) GW* flow map | ___ | ___ | ___ |
| (v) GW recharge and discharge features | ___ | ___ | ___ |
| (vi) Springs, wells in 1-mile radius | ___ | ___ | ___ |
| (vii) Public water supply: 2-mile radius | ___ | ___ | ___ |
| (viii) Summary of geological and hydrological evaluations | ___ | ___ | ___ |

(b) Engineering Plans

1. Plans, drawn at a scale not less than 1" = 100' and contour interval no more than 5'. And show locations of and/or describe:

(i) Proposed waste disposal areas	___	___	___
(ii) Existing topography with pertinent features	___	___	___
(iii) On-site benchmarks	___	___	___
(iv) GW, SW* monitoring points and compliance boundary ___	___	___	
(v) Soil boring locations	___	___	___
(vi) Dikes, berms, trenches, excavation contours	___	___	___
(vii) Borrow and cover material storage area	___	___	___
(viii) Planned development of site (phases)	___	___	___
(ix) Run-on/run-off diversions from work areas and facility ___	___	___	
(x) Temporary/permanent erosion control measures	___	___	___
(xi) Existing/proposed utilities, structures, roads	___	___	___
(xii) Proposed final contours	___	___	___
(xiii) 100-year floodplain boundaries	___	___	___
(xiv) Leachate collection/treatment reservoirs and associated piping	___	___	___
(xv) Gas migration control devices	___	___	___

* GW = ground water
* SW = surface water

"Completeness Review" Checklist

	Yes	No	N/A
2. Detailed diagrams, at a suitable scale, showing:			
(i) Sections of erosion and run-on/run-off control structures	___	___	___
(ii) Sections of leachate collection/treatment reservoirs	___	___	___
(iii) Sections of gas migration control devices and structures (if required)	___	___	___
(iv) GW monitoring well installations	___	___	___
(v) Sections of soil buffer, liner, leachate collection system (including piping)	___	___	___
(vi) Sections of final cover systems (including required cap)	___	___	___
(vii) Sections of access roads	___	___	___
3. Cross sections (2 per operational area, as a minimum)			
Scale: 1" = 100' as a minimum showing:			
(i) Original ground surface elevations	___	___	___
(ii) Proposed excavation depths	___	___	___
(iii) Proposed final elevations	___	___	___
(iv) Soil borings	___	___	___
(v) Configuration of soil buffer, liner, leachate system; including slopes	___	___	___
(vi) Cells and lifts and associated berms and dikes, and on-site roadways	___	___	___
(vii) Configuration of final cover system	___	___	___
(viii) Configurations of any gas migration control features	___	___	___

"Completeness Review" Checklist

(c) Operations Manual

1.	Owner	_____		
	Responsible Official	_____		
2.	Location of facility	_____		
	Address	_____		
		Yes	No	N/A
3.	Compliance with buffer zone(s)	_____	_____	_____
4.	The facility is not located within 200' of a fault area that had displacement	_____	_____	_____
5.	The facility is not located in seismic impact area or zone	_____	_____	_____
6.	In unstable area the operator must consider the following:			
	(i) On site or local soil conditions for differential settlement	_____	_____	_____
	(ii) On site or local geologic or geomorphologic features	_____	_____	_____
	(iii) On site or local human-made features (both surface or subsurface)	_____	_____	_____
7.	Access to and use of facility	_____	_____	_____
8.	Methods and sequence of operation	_____	_____	_____
9.	Types and anticipated volumes of waste: (check appropriate type and indicate amount)			
	Industrial	_____	_____	tons/day
	Demolition	_____	_____	cubic yards/day
	Municipal	_____		
10.	Acres to be filled and acres permitted	_____	_____	_____
11.	Waste handling and covering program			
	(i) Unloading, spreading, compacting	_____	_____	_____
	(ii) Frequencies and depths of cover (3 types)	_____	_____	_____
	(III) Soil balance/availability of cover	_____	_____	_____
12.	Operating equipment	_____	_____	_____

"Completeness Review" Checklist

13. Procedure for controlling and collecting blowing litter	___	___	___
14. Management of erosion control facilities	___	___	___
15. Management of leachate collection facilities	___	___	___
16. Dust control measures and implementation	___	___	___
17. Fire safety precautions	___	___	___
18. Facility services	___	___	___
19. Inspection of liners and cover systems	___	___	___
(i) Any new phase or expansion should be tested and inspected by a P.E.	___	___	___
(ii) Each section should be certified by a P.E.	___	___	___
20. Containment of migration of explosive gases	___	___	___
21. Planned GW monitoring program			
(i) Number and location of wells	___	___	___
(ii) Monitoring well construction	___	___	___
(iii) Parameters to be monitored	___	___	___
(iv) Sampling and procedures	___	___	___
(v) How sampling and results will be recorded and reported	___	___	___
22. Engineering statement of site flood frequency	___	___	___
23. Impacts on endangered or threatened species	___	___	___
24. Random inspection program	___	___	___

"Completeness Review" Checklist

	Yes	No	N/A
(d) <u>Closure/Post Closure Care Plan</u>			
1. Contents of Plan			
(i) Plan identifies steps necessary to completely or partially close the facility at any point during intended operating life.	___	___	___
(ii) Identifies steps to completely close at end of intended operating life.	___	___	___
(iii) Identifies activities after closure and frequency of activities.	___	___	___
(iv) For phased development facilities, plan addresses each parcel separately as well as the whole.	___	___	___
2. Plan includes a description of:			
(i) How and when facility will be partially and finally closed. Also includes expected year of closure.	___	___	___
(ii) Planned GW and SW monitoring and maintenance activities and frequencies.	___	___	___
(iii) Person or office, name and number to contact during post closure.	___	___	___
(iv) Itemized estimate of third party cost of performing closure and post closure.	___	___	___
(v) Planned uses of property during post-closure period.	___	___	___
3. In closure plan, operation addresses closure of active portions and future active portions of facility. In post-closure care, operator addresses post-closure care of closed, active, and future active portions.	___	___	___

PERMIT REVIEW CHECKLIST

PEER REVIEW _

OK NOT OK FACILITY NAME

DATE _____

TYPE FACILITY _____

APPLICANT _____

TYPE NOTICE _____

APPLICATION

OK _NOT OK

COMMENTS

_____ Completeness Review Checklist

_____ Preliminary Public Notice

_____ Hydrogeologic Report

_____ Engineering Plans

_____ Operations Manual

_____ Closure/Post Closure Plan
 (Cost Estimate for Closure)

_____ Completeness Determination Letter

_____ Field Office Review Time (Days)

_____ Five (5) copies of Application
 (Note: Two copies to be brought)

PERMIT

OK NOT OK

_____ Fact Sheet

_____ Draft Permit

_____ Facility Specific Conditions

_____ Variances/Waivers

_____ Disclosure Statement (Bad Actor) Received

COMPLIANCE

OK NOT OK

COMMENTS

_____ Water Quality Write-Off

_____ Approval from SW Regional Authority

_____ Local Veto

_____ Scenic/Buffalo River Setback

_____ Buffer Zones (incl. Airports)

_____ Archaeology

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management**

**Regulatory Requirements
for
Part II Application**

Date: _____

Facility Name: _____

Type Facility: _____

Regulatory requirements for Part II Application. Provide the information relevant to the class of facility planned.

(a) Hydrogeological Report

1. Environmental Site Assessment
 - (i) Soil Data
 - (ii) Ground Water Data
 - (iii) Site Development History
2. Certified by registered geologist or qualified engineer
3. Includes descriptions and/or locations of:
 - (i) Soil sampling and procedures used
 - (I) Soil classifications (USCS)
 - (II) Samples of undisturbed soil
 - (III) Samples of remolded soil
 - (IV) Description of sampling and analytical procedures used
 - (V) Conductivity determined on samples collected in Shelby tubes
 - (VI) Testing procedures to establish integrity of liner or cap
 - (ii) Water table elevations:
 - At time of drilling
 - At least twice more
 - (iii) Soil boring locations and boundary of proposed fill area
 - (iv) GW* flow map
 - (v) GW recharge and discharge features
 - (vi) Springs, wells in 1-mile radius
 - (vii) Public water supply: 2-mile radius
 - (viii) Summary of geological and hydrological evaluations

* GW = ground water

(b) Engineering Plans

1. Plans, drawn at a scale not less than 1" = 100' and contour interval no more than 5'. And show locations of and/or describe:
 - (i) Proposed waste disposal areas
 - (ii) Existing topography with pertinent features
 - (iii) On-site benchmarks
 - (iv) GW, SW* monitoring points and compliance boundary
 - (v) Soil boring locations
 - (vi) Dikes, berms, trenches, excavation contours
 - (vii) Borrow and cover material storage area
 - (viii) Planned development of site (phases)
 - (ix) Run-on/run-off diversions from work areas and facility
 - (x) Temporary/permanent erosion control measures
 - (xi) Existing/proposed utilities, structures, roads
 - (xii) Proposed final contours
 - (xiii) 100-year floodplain boundaries
 - (xiv) Leachate collection/treatment reservoirs and associated piping
 - (xv) Gas migration control devices
2. Detailed diagrams, at a suitable scale, showing:
 - (i) Sections of erosion and run-on/run-off control structures
 - (ii) Sections of leachate collection/treatment reservoirs
 - (iii) Sections of gas migration control devices and structures (if required)
 - (iv) GW monitoring well installations
 - (v) Sections of soil buffer, liner, leachate collection system (including piping)
 - (vi) Sections of final cover systems (including required cap)
 - (vii) Sections of access roads

*SW = surface water

3. Cross sections (2 per operational area, as a minimum)

Scale: 1" = 100' as a minimum showing:

- (i) Original ground surface elevations
- (ii) Proposed excavation depths
- (iii) Proposed final depths
- (iv) Soil borings
- (v) Configuration of soil buffer, liner, leachate system; including slopes
- (vi) Cells and lifts and associated berms and dikes, and on-site roadways
- (vii) Configuration of final cover system
- (viii) Configurations of any gas migration control features

(c) Operations Manual

- 1. Owner _____
Responsible Official _____
- 2. Location of facility _____
Address _____
- 3. Compliance with buffer zone(s)
- 4. The facility is not located within 200' of a fault area that had displacement
- 5. The facility is not located in seismic impact area or zone
- 6. In unstable area the operator must consider the following:
 - (i) On site or local soil conditions for differential settlement
 - (ii) On site or local geologic or geomorphologic features
 - (iii) On site or local human-made features (both surface or subsurface)
- 7. Access to and use of facility
- 8. Methods and sequence of operation

9. Types and anticipated volumes of waste: (check appropriate type and indicate amount)

Industrial	_____	_____	tons/day
Demolition	_____	_____	cubic yards/day
Municipal	_____		

10. Acres to be filled and acres permitted

11. Waste handling and covering program

- (i) Unloading, spreading, compacting
- (ii) Frequencies and depths of cover (3 types)
- (III) Soil balance/availability of cover

12. Operating equipment

13. Procedure for controlling and collecting blowing litter

14. Management of erosion control facilities

15. Management of leachate collection facilities

16. Dust control measures and implementation

17. Fire safety precautions

18. Facility services

19. Inspection of liners and cover systems

- (i) Any new phase or expansion should be tested and inspected by a P.E.
- (ii) Each section should be certified by a P.E.

20. Containment of migration of explosive gases

21. Planned GW monitoring program

- (i) Number and location of wells
- (ii) Monitoring well construction
- (iii) Parameters to be monitored
- (iv) Sampling and procedures
- (v) How sampling and results will be recorded and reported

22. Engineering statement of site flood frequency
23. Impacts on endangered or threatened species
24. Random inspection program

(d) Closure/Post Closure Care Plan

1. Contents of Plan
 - (i) Plan identifies steps necessary to completely or partially close the facility at any point during intended operating life.
 - (ii) Identifies steps to completely close at end of intended operating life.
 - (iii) Identifies activities after closure and frequency of activities.
 - (iv) For phased development facilities, plan addresses each parcel separately as well as the whole.
2. Plan includes a description of:
 - (i) How and when facility will be partially and finally closed. Also includes expected year of closure.
 - (ii) Planned GW and SW monitoring and maintenance activities and frequencies.
 - (iii) Person or office, name and number to contact during post closure.
 - (iv) Itemized estimate of third party cost of performing closure and post closure.
 - (v) Planned uses of property during post-closure period.
3. In closure plan, operation addresses closure of active portions and future active portions of facility. In post-closure care, operator addresses post-closure care of closed, active, and future active portions.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT

DATE: February 16, 1996
TO: DSWM Staff
FROM: Glen Pugh, Division of Solid Waste Management
SUBJECT: Standard Permit

A standard permit consists of the following:

1. Cover sheet - This shows the registration number, date of issue, recipient, site location and activities authorized.
2. Permit Terms & Conditions - Four pages of requirements which are applicable to all permits. Usually referred to as the "boiler plate".
3. Variances & Waivers - A section for listing site specific variances and waivers granted at the time the permit is issued.
4. Facility Specific Permit Conditions - Site-specific requirements.

A copy of the permit is needed in the Central Office for review by the Permit Review Committee. A sample permit is attached.

State of Tennessee
Department of Environment
and Conservation
Division of Solid Waste Management

Solid Waste Management Program
401 Church Street
5th Floor L&C Tower
Nashville, Tennessee 37243-1535
615-532-0780

**REGISTRATION AUTHORIZING SOLID WASTE
DISPOSAL ACTIVITIES IN
TENNESSEE**

Registration Number: _____

Date Issued: _____

Issued to: .

Activities Authorized: Construction, operation, closure and post closure care of a disposal facility for the disposal of .

By my signature this registration is issued in compliance with the provisions of the Tennessee Solid Waste Disposal Act (Tennessee Code Annotated, Section 68-211-101, et seq.), and applicable regulations developed pursuant to this law and in effect; and in accordance with the conditions and other terms set forth in this registration document and attached Registration Conditions.

Tom Tiesler, Director
Division of Solid Waste Management

PERMIT TERMS AND CONDITIONS

1. Recertification by Permittee for Facilities Whose Initial Operation is Delayed - If the facility does not initiate construction and/or operation within one year of the date of this permit, the permittee must recertify the application in accordance with Rule 1200-1-7-.02(2)(e).
2. Duty to Comply - The permittee must comply with all conditions of this permit, unless otherwise authorized by the Department. Any permit noncompliance, except as otherwise authorized by the Department, constitutes a violation of the Act and is grounds for enforcement action, or for permit termination, revocation and reissuance, or modification.
3. Need to Halt or Reduce Activity Not a Defense - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. Duty to Mitigate - In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent adverse impacts on human health or the environment.
5. Proper Operation and Maintenance - The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
6. Permit Actions - This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any existing permit condition.
7. Property Rights - This permit does not convey any property rights of any sort, or any exclusive privilege.
8. Duty to Provide Information - The permittee shall furnish to the Commissioner, within a reasonable time, any relevant information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Commissioner, upon request, copies required to be kept by this permit.
9. Inspection and Entry - The permittee shall allow the Commissioner, or an authorized representative, to:
 - (i) Enter at any reasonable time the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (iii) Inspect at any reasonable time any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit (Note: If requested

by the permittee at the time of sampling, the Commissioner shall split with the permittee any samples taken.);

- (iv) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act any substances or parameters at any location; and
- (v) Make photographs for the purpose of documenting items of compliance or noncompliance at waste management units, or where appropriate to protect legitimate proprietary interests, require the permittee to make such photos for the Commissioner.

10. Monitoring and Records

- (i) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (ii) The permittee shall retain records of all required monitoring information. The permittee shall maintain records for all ground-water monitoring wells and associated ground-water surface elevations, for the active life of the facility, and for the post-closure care period as well. This period may be extended by request of the Commissioner at any time.
- (iii) Records of monitoring information shall include:
 - (I) The date, exact place, and time of sampling or measurements;
 - (II) The individual(s) who performed the sampling or measurements;
 - (III) The date(s) analyses were performed;
 - (IV) The individual(s) who performed the analyses;
 - (V) The analytical techniques or methods used (including equipment used); and
 - (VI) The results of such analyses.

11. Reporting Requirements

- (i) The permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility.
- (ii) Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (iii) The permittee shall report orally within 24 hours from the time the permittee becomes aware of the circumstances of any release, discharge, fire, or explosion from the permitted solid waste facility which could threaten the environment or human health outside the facility. Such report shall be made to the Tennessee Emergency Management Agency, using 24-hour toll-free number 1-800-262-3300.
- (iv) Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Commissioner, it shall promptly submit such facts or information.

12. Periodic Survey

- (i) Within 60 days of his receipt of the written request of the Commissioner to do so, the permittee shall cause to be conducted a survey of active and/or closed portions of his facility in order to determine if operations (e.g., cut and fill boundaries, grades) are being conducted in accordance with the approved design and operational plans. The permittee must report the results of such survey to the Commissioner within 90 days of his receipt of the Commissioner's request.
 - (ii) The Commissioner may request such a survey:
 - (I) If he has reason to believe that operations are being conducted in a manner that significantly deviates from the approved plans; and/or
 - (II) As a periodic verification (but no more than annually) that operations are being conducted in accordance with the approved plans.
 - (iii) Any survey performed pursuant to this part must be performed by a qualified land surveyor duly authorized under Tennessee law to conduct such activities.
13. Duration of Permits - This permit shall be effective for the operating life of the facility.
 14. Effect of Permit - The issuance of this permit does not authorize the permittee to injure persons or property or to invade other private rights, or to violate any local law or regulations.
 15. Transfer, Modification, Revocation and Reissuance, and Termination of Permits - This permit may be transferred, modified, revoked or reissued, or terminated as set forth in 1200-1-7-.02(5).
 16. Applicable Standards - All applicable facility standards of Rule Chapter 1200-1-7, Solid Waste Processing and Disposal Amendments shall be considered conditions of this registration.
 17. Penalties - Any violation of the conditions or other terms of this registration may subject the registrant to the penalties set forth in Tennessee Code Annotated Section 68-211-114 and 68-211-117.
 18. Hazardous Waste Restriction - No hazardous waste, as regulated by the Tennessee Hazardous Waste Management Act (TCA Section 68-212-101, et seq.), and the Rules adopted pursuant to that Act, shall be accepted at this facility.
 19. Construction and Operation - The permittee shall construct and operate the facility in accordance with the approved engineering plans and operations manual which becomes a condition of this permit in Attachment I.
 20. Financial Assurance - Prior to beginning operation, the permittee must file a Financial Assurance Instrument in accordance with Rule 1200-1-7-.03(3)(c).
 21. Special Waste - Except as specifically provided for in the Facility-Specific Conditions of this permit, the permittee may not accept for disposal any special waste unless approved to do so in writing by this Department.
 22. Automobile Batteries - This facility is specifically prohibited from accepting automobile batteries for disposal.

VARIANCES AND WAIVERS

The following variances or waivers from standards or requirements in Rule 1200-1-7, Solid Waste Processing and Disposal Amendments, are hereby granted in accordance with Rule 1200-1-7-.01(5):

FACILITY-SPECIFIC PERMIT CONDITIONS

The following conditions of this permit are established pursuant to Rule 1200-1-7-.02(4)(b):

- 1.

APPLICANT DISCLOSURE STATEMENT

1.

APPLICANT'S COMPLETE NAME

STATE OF INCORPORATION (if applicable)

FEDERAL TAX I.D. NUMBER

BUSINESS ADDRESS

MAILING ADDRESS

2. Give a brief description of the structure of the business (e. g.. partnership, sole proprietorship, corporation, association).
3. List the names, addresses, and titles of all officers, directors or partners of the applicant, of any parent or subsidiary corporation if the applicant is a corporation, and of any person owning 10% or more interest in the applicant company.
4. List the name and address of all facilities in the field of solid or hazardous waste management in which the applicant business or any of its officers, directors, or partners, holds a 10% or greater interest and the name of the officer, director or partner holding such interest.
5. List the names of all key personnel, including titles and positions held.
6. List all permits and licenses relating to solid and/or hazardous waste management presently held by the applicant(s), including facility name, location, permit or license number and name of issuing authority or agency.
7. List all permits and licenses relating to solid and/or hazardous waste management presently held by the applicant(s) within the last ten (10) years not listed previously. include facility name, location, permit or license number and name of issuing authority or agency.
8. List the name and address of solid and/or hazardous waste facilities constructed and operated by any parent or subsidiary corporation, if the applicant is a corporation.
9. List all judicial and/or administrative orders issued for the violations of any state or federal environmental protection law which resulted in a fine or penalty within the five (5) year period immediately preceding the submission date of the applicant's permit application. Include in the description:
 - a. the style of the complaint
 - b. the case file number

- c. the forms in which the complaint was filed
 - d. the identity of each state or federal agency involved with or named in the complaint
 - e. the amount of the fine(s) or penalty(s)
 - f. whether the fine or penalty has been paid
 - g. the identity and description of each law or regulation violated or alleged to have been violated and upon which fine(s) or penalty(s) is/are based
 - h. state whether the fine was the result of a settlement or agreed order, an administrative order or a court judgment
 - i. if litigation is ongoing, describe any orders or judgments entered and describe the current status of litigation
 - j. explain all corrective action measures performed to correct or mitigate the violations
10. List and explain all revocations, suspensions or denials of a license, permit, or equivalent authorization, which was issued within the past ten (10) years by any government entity and was issued pursuant to law, rule, or regulation relative to the collection, transportation, treatment, storage, or disposal of solid or hazardous waste. Include the date of the revocation, suspension, or denial and the name of the issuing agency or authority.
11. List and describe all criminal felony convictions entered against the applicant for the violation of any state or federal environmental protection law or regulation within the ten (10) years preceding the submission date of applicant's permit application. Include in the description:
- a. the style of the case
 - b. the case file number
 - c. the forum in which the conviction was entered
 - d. the date of judgment
 - e. the sentence imposed
 - f. the identity and a description of each law applicant was convicted of violating
 - g. whether the conviction was the result of a plea agreement or a trial
 - h. if currently on appeal, the status of the appeal

An individual, by executing this document on behalf of a corporation or other entity, certifies that she or he is duly authorized as defined in Rule 1200-1-7-.02(2)(a)7. and 8., to act on behalf of the corporation or other entity and provide the information contained herein.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information.

PRINT NAME

TITLE

SIGNATURE

DATE

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me by _____ this the
_____ day of _____, 200_____.

NOTARY PUBLIC

My Commission Expires: _____

Any person who knowingly makes a false statement under oath or makes a false statement on an official document shall be guilty of a Class A misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,000.00) or by imprisonment of not greater than eleven (11) months twenty-nine days, or by both fine and imprisonment.

APPLICANT NAME

KEY PERSONNEL DISCLOSURE STATEMENT

1.

COMPLETE NAME

STATE OF INCORPORATION

BUSINESS LOCATION

MAILING ADDRESS

2. Describe the relationship to the applicant
3. List all permits or licenses relating to solid and for hazardous waste management presently held by person named in item 1.
4. List all permits or licenses related to solid and/or hazardous waste management held by the person listed in item 1 within the last five (5) years not previously listed.
5. List all judicial and/or administrative orders issued for the violations of any state or federal environmental protection law which resulted in a fine or penalty, within the five (5) years preceding the submission of this application for violation of any state or federal statute or local ordinance. Include the following information.
 - a) the style of the complaint
 - b) the case file number
 - c) the identity of all parties named in the complaint
 - d) the forum in which the complaint was filed
 - e) the identity of each state or federal agency involved with or named in the complaint
 - f) the amount of the fine(s) or penalty(s)
 - g) whether the fine or penalty has been paid
 - h) the identity and description of each law or regulation violated or alleged to have been violated and upon which the fine(s) or penalty(s) is/are based .
 - i) state whether the fine was the result of a settlement or agreed order, an administrative order or a court judgment
 - j) if litigation is ongoing, describe any orders or judgments entered and describe the current status of litigation

6. Describe all judgments of a criminal conviction of a felony entered against the person named in item 1 for the violation of any state or federal environmental protection law within the ten (10) years preceding the submission of this application. Include the following information.
 - a) the style of the case
 - b) the case file number
 - c) the forum in which the conviction was entered
 - d) the date of judgment
 - e) the sentence imposed
 - f) the identity and a description of each law applicant was convicted of violating
 - g) whether the conviction was the result of a plea agreement or a trial
 - h) if currently on appeal, the status of the appeal

7. List the name and address of all waste sites, waste facilities and solid waste management facilities in which the person named in item 1 has a financial interest, an equitable interest, or in which the person is an officer, director, or manager, and identify the nature of the person's interest or investment.

The undersigned hereby affirms or swears under penalty of perjury that the information provided in this statement is complete, true, and accurate.

PRINT NAME

TITLE

SIGNATURE

DATE

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me by _____ this _____

day of _____, 200____.

NOTARY PUBLIC

My Commission Expires: _____

Any person who knowingly makes a false statement on an official document shall be guilty of a Class A misdemeanor and upon conviction thereof shall be punished by a fine not to exceed TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) or by imprisonment of not greater than ELEVEN (11) MONTHS TWENTY-NINE (29) DAYS or by both fine and imprisonment.

DISCLOSURE STATEMENT INSTRUCTIONS

1. All applicants for the issuance of a solid waste disposal facility permit and each person listed as key personnel by the applicant must complete the disclosure form.
2. Answer every question completely. If a question does not apply, enter “Not Applicable” or “N/A”.
3. If you need additional space to answer a question, insert additional pages immediately following the page on which the question you are answering appears.
4. Please type or print your answer.
5. The following definitions will be used to define terms used in the Disclosure Statement:
 - A. Applicant – means any person seeking a permit for a solid waste disposal facility.
 - B. Application – means the forms and accompanying documents filed in connection with the applicant’s request for a permit.
 - C. Business concern – means any corporation, association, firm, partnership, trust, sole proprietorship, or other form of commercial organization.
 - D. Debt liability – means bonds, debentures, notes, mortgages and loans of any kind, secured or unsecured, and other similar debt instruments.
 - E. Disclosure statement – means a statement submitted to the commissioner by the applicant which contains information concerning the past performance of the applicant(s) in waste management fields and persons owning or controlling or owned and controlled by the applicant.
 - F. Employed in a supervisory capacity – refers to any individual, including a foreman, having been delegated authority which:
 - 1 is delegated in the interest of the employer.
 - 2 involves the exercise of the individual’s independent judgment.
 - 3 is not merely authority to perform a routine or clerical task, and,
 - 4 is authority to perform or effectively to recommend any one or more of the following actions: hiring, firing, transferring, suspending, laying off, recalling, promotion, discharging, assigning, rewarding, disciplining, directing, or adjusting grievances of employees whose duties or responsibilities involve, in whole or in part, the management of (including but not limited to the evaluation of, identification of, labeling of, and monitoring of the effects of), handling of, disposal of, transportation of,

storage of, or treatment of, solid waste, infectious waste or hazardous waste.

- G. Empowered to make discretionary decisions – refers to any individual, including a foreman, who has been delegated authority which:
- 1 is delegated in the interests of the employer;
 - 2 involves the exercise of that individual's independent judgment;
 - 3 is not merely authority to perform a routine or clerical task; and
 - 4 is authority which relates to any one or more of the following aspects of solid, infectious, or hazardous waste operations; the management of (including but not limited to evaluation of, identification of, labeling of, and monitoring of the effects of, handling of, disposal of, transportation of, storage of, or treatment of, solid waste, infectious waste or hazardous waste.
- H. Equity – means any ownership interest in a business concern, including sole proprietorship, the shares of a partner, and stock in a corporation.
- I. Facility – means any site, location, tract of land, installation or building used, or to be used, for incineration, composting, landfilling, or other methods of disposal of solid wastes, for transfer of solid wastes, for the treatment or disposal of infectious wastes, or for the storage, treatment or disposal of hazardous waste, or any combination of these activities.
- J. Key personnel – means any individual:
- 1 employed by the applicant in a supervisory capacity for the subject facility; or
 - 2 empowered to make discretionary decisions for the subject facility;
- K. Operator – means the person responsible for the direct control or overall operation of a facility.
- L. Owns or Controls – means holds or is able to control the purchase or sale of at least five (5) percent of the equity of a publicly traded corporation or twenty-five (25%) percent of the equity of any business concern, either directly or through a holding company or subsidiary.
- M. Partner – means any person or persons who share profits and liability and have management powers of a partnership.

- N. Person – means any person or persons who share profits and liability and have management powers of a partnership.
 - O. Sole proprietorship – means a form of business, other than a partnership or corporation, in which one person owns all the assets and is solely liable for all the debts of the business.
 - P. Subject facility – means the facility in the State of Tennessee for which the applicant seeks a permit.
- 6. Each disclosure statement must be supported by an affidavit attesting to the truth and completeness of the information disclosed. Any individual executing the disclosure statement on behalf of a corporation or other entity must certify that he or she is duly authorized to act on the behalf of the corporation or other entity.
 - 7. The Disclosure Statement(s) is incorporated into and becomes a part of the Permit Application. Failure to disclose or misrepresentation of any relevant fact constitutes cause of permit revocation.

APPENDIX D:

OTHER ATTACHMENTS

	Page
Landfill Permitting Process	79
Solid Waste Management Contacts (Region Map)	80

LANDFILL PERMITTING PROCESS

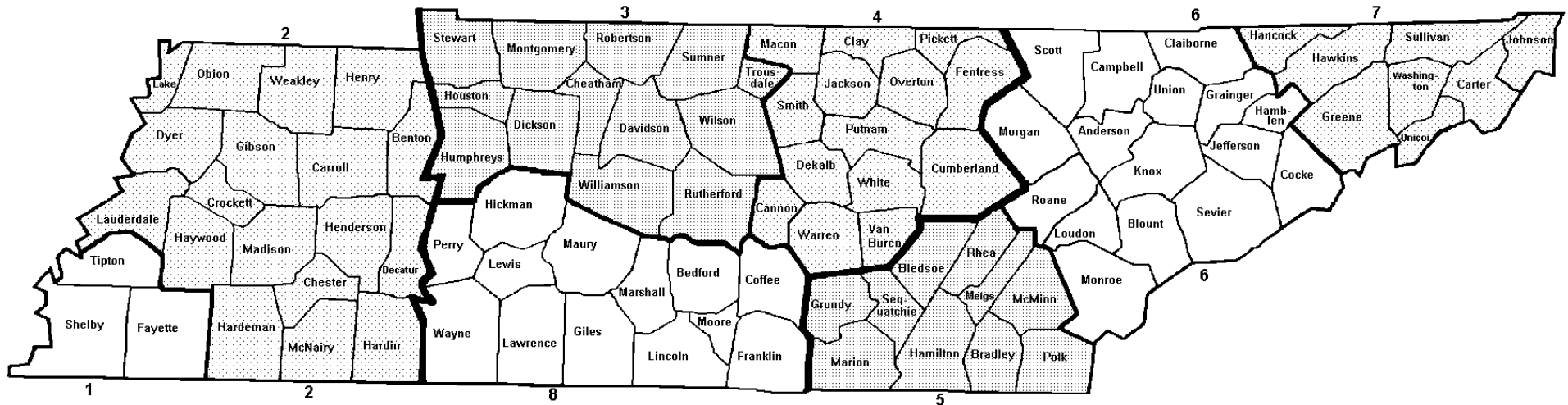
The following roughly outlines the permitting process for a solid waste landfill in Tennessee.

STEP		STATE	APPLICANT	ESTIMATED TIMEFRAME
1.	Part I Application / Preliminary Public Notice ♦ Submittal of Part I ♦ Review by SWM Field Office ♦ Issue Preliminary Public Notice ♦ Disclosure Form (Applicant submit with Part I)	X X	X X	<u>30 days</u>
2.	Part II Application (*see note) A. Hydrogeologic Report ♦ Submittal of proposal / work plan ♦ Review by SWM Field Office ♦ Implementation of work plan ♦ Preparation and submittal of report	X X	X X X	<u>3 -6 months</u>
	B. Plans and Operations Manual ♦ Preparation and submittal of design documents and operations manual		X	<u>1 - 6 months</u>
3.	Review for Completeness ♦ Review of completeness by SWM Field Office ♦ State advises applicant of completeness	X X		<u>45 days</u>
4.	Public Notice of Draft Permit ♦ Review of Part II Application ♦ Design/application modification ♦ Preparation of draft permit ♦ Review by permit review committee ♦ Issue notice	X X X X	X	<u>4 - 6 months</u> 45 day mandatory public comment period
5.	Public Hearing (conditional) ♦ Issue notice of public hearing date ♦ Hold hearing	X X	X	<u>30 - 60 days</u> 15 days mandatory notice
6.	Final Permit Decision ♦ Summarize and respond to public comments ♦ Issue, deny or modify permit ♦ Public Notice of Final Permit Decision	X X X		<u>30 -90 days</u>
7.	Site Preparation ♦ Construction of facilities ♦ Construction quality assurance / certification	X	X X	<u>3 - 6 months</u>

Total 16 - 32 months

*Note: The Part II Application is typically submitted and reviewed in two stages: 1) Hydrogeologic Report 2) Plans and Operation Manual

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